

1 filed its first amended complaint on March 27, 2013. The amended
2 complaint supersedes plaintiff's original complaint. *Dichter-Mad*
3 *Family Partners, LLP v. United States*, 707 F. Supp. 2d 1016, 1054
4 (C.D. Cal. 2010). Accordingly, the RPS and CAP defendants' motions
5 to dismiss (#14, #15) are **DENIED AS MOOT**.

6 On April 10, 2013, the RPS and CAP defendants filed motions to
7 dismiss the plaintiff's first amended complaint (#48, #49).
8 Plaintiff opposed the motions (#56, #57), and defendants have
9 replied (#58, #59). Plaintiff has pled allegations that support
10 its claims for relief in its first amended complaint and are
11 sufficient to state claims that are plausible on their face.
12 Accordingly, the motions to dismiss are **DENIED WITHOUT PREJUDICE** to
13 renew as a motion for summary judgment at the close of discovery.

14 IT IS SO ORDERED.

15 DATED: This 28th day of May, 2013.

16 
17

18 UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26
27
28